THREE RIVERS LEVY IMPROVEMENT AUTHORITY
Yuba County Government Center, Board Chambers
915 Eighth Street, Suite 109A
Marysville, California

FEBRUARY 15, 2011 – 2:00 P.M.

CALL TO ORDER: Welcome to the Three Rivers Levee Improvement Authority (TRLIA) meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices which might disrupt the meeting. Thank you.

I ROLL CALL – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti

II CLOSED SESSION

A. Conference with Real Property Negotiators pursuant to Government Code §54956.8 - Negotiating Parties: TRLIA/Mike Churchill/Kelly Pope/ Max Steinheimer/Scott McElhern/Bob Morrison. Negotiation: Price and terms of Payment for the following properties:
   016-040-021, 052, 051, 049, 050/PG&E and Underlying owners
   016-070-002, 016-040-019/UPRR
   014-270-084, 105, 106/014-350-044, 065/Alfaro, Jean Pierre & Marie Jeanne
   016-050-023/Bluebird Farms
   014-360-011, 013/Hofman Ranch
   016-070-018/Miller, Gary J. and June W.
   022-010-005/Cresleigh Homes
   016-130-012, 017/DeValentine, Robert B.

B. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. Ajit S. Bains, et al.

C. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. COF Quail Hollow Land 148T, LLC, et al.

D. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. Anthony J. Luis and Zelma B. Luis, et al.

E. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. Bhajan Singh Sohal, et al.

F. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. Richard G. Wilbur, et al.

III PUBLIC COMMUNICATIONS: Any person may speak about any subject of concern provided it is within the jurisdiction of the Levee Improvement Authority and is not already on today’s agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time, speakers are requested to fill out a “Request to Speak” card and submit it to the Clerk of the Board of Supervisors.

IV ACTION ITEMS

A. Approve minutes of the meeting of February 1, 2011.

B. Approve amended budget for Fiscal Year 2010-11 to reflect increased expenditures of $898,500 and receive amended forecasted budget for Fiscal Year 2011-12.
C. Approve RD 784 Levee System Approach to provide 200-year certification for Senate Bill 5 and authorize Executive Director to take actions necessary for 200-year certification.

D. Approve Amendment No. 9 to agreement with Bender Rosenthal Inc. in the amount of $538,000 for right-of-way services and authorize Executive Director to execute same.

E. Approve Amendment No. 2 to agreement with CTA Engineering and Surveying in the amount of $75,000 and authorize Executive Director to execute same.

F. Approve Amendment No. 2 to agreement with River Partners in the amount of $58,000 for additional maintenance and monitoring services for Bear River setback restoration and authorize Executive Director to execute same.

V BOARD AND STAFF MEMBERS' REPORTS

VI ADJOURN

The complete agenda, including backup material, is available at the Yuba County Government Center, 915 8th Street, Suite 109, the County Library at 303 Second Street, Marysville, and www.trlia.org. Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board of Directors less than 72 hours prior to the meeting are available for public inspection at Suite 109 during normal business hours.

In compliance with the American with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made one full business day before the start of the meeting.
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

FEBRUARY 1, 2011

MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 3:30 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Don Graham, Mary Jane Griego, and John Nicoletti. Director Jerry Crippen was absent. Also present were Executive Director Paul Brunner, Assistant Counsel Andrea Clark, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chair Griego presided.

I ROLL CALL – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti – Director Crippen was absent.

II CLOSED SESSION: The Board retired into closed session at 3:31 p.m. to discuss the following:

A. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Joga S. Mann, et al

B. Conference with real property negotiator pursuant to Government Code §54956.8 - Negotiating Parties: TRLIA/Churchill/Morrison; Terms of Payment; regarding the properties outlined in Exhibit A, and pages 1 and 2

The Board returned from closed session at 4:51 p.m. with all present as indicated above.

Assistant Counsel Andrea Clark advised there was no report on item A; on item B regarding both segments 1 and 3 of the Feather River Project, updated real estate plans were approved and the Board delegated authority to enter into property negotiations as appropriate for those properties listed for segments 1 and 3.

III PUBLIC COMMUNICATIONS: The following individuals spoke:

Mr. Tom Eres, on behalf of Hofman Ranch, regarding the crack on the Western Pacific Inceptor Canal (WPIC).

Ms. Frances Hoffman regarding lack of notification to the county regarding the crack on the WPIC and the number of cracks which had been found.

IV CONSENT AGENDA: All matters listed under the consent agenda are considered to be routine and can be enacted by one motion.

MOTION: Move to approve minutes MOVED: John Nicoletti SECOND: Don Graham

AYES: Rick Brown, Don Graham, Mary Jane Griego, John Nicoletti

NOES: None ABSTAIN: None ABSENT: Jerry Crippen

A. Approve minutes of the meeting of January 11, 2011. Approved as written.
B. Receive independent audit report entitled TRLIA Financial Statements dated June 30, 2010. Executive Director Paul Brunner advised the conclusion indicated there were no problems with the management of funds and there were no recommendations for improvement.

MOTION: Move to receive and file    MOVED: John Nicoletti    SECOND: Rick Brown
AYES: Rick Brown, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None    ABSTAIN: None    ABSENT: Jerry Crippen

V  ACTION ITEMS

A. Approve Addendum No. 1 to the Initial Study/Mitigated Negative Declaration for the Upper Yuba Levee Improvement Project (UYLIP). Executive Director Paul Brunner advised the addendum indicates no environmental changes.

MOTION: Move to approve    MOVED: John Nicoletti    SECOND: Rick Brown
AYES: Rick Brown, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None    ABSTAIN: None    ABSENT: Jerry Crippen

B. Approve the creation of a TRLIA Real Estate Plan for the Western Pacific Interceptor Canal, Upper Bear River above the Bear Setback levee, and portions of the Yuba River levee between Highway 70 and Simpson Lane. Executive Director Paul Brunner recapped prior levee work locations, the purpose of the plan, funding for acquisition, and responded to Board inquiries.

The following individuals spoke:
- Mr. Tom Eres, Hofman Ranch, regarding removal of acquisition for levee toe access along the WPIC and funding
- Ms. Frances Hofman regarding TRLIA obtaining fee acquisition versus easement of her property

MOTION: Move to approve    MOVED: Rick Brown    SECOND: Don Graham
AYES: Rick Brown, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None    ABSTAIN: None    ABSENT: Jerry Crippen

VI  BOARD AND STAFF MEMBERS’ REPORTS: Reports were received on the following:

Executive Director Paul Brunner:
- Approval of encroachment permit for Anderson sites
- Memo from Design Manager Larry Dacus dated January 13, 2011 regarding surface “tension” crack in the Western Pacific Interceptor Canal
- Letter from Board of Senior Consultants dated January 20, 2011 on the Upper Yuba River Levee Improvement Project
- Memo dated February 1, 2011 regarding Yuba River Levee No. 6019 Provisional Accredited Levee

Counsel Andrea Clark: Public records request related to correspondence on land acquisition on the Upper Yuba River Project
VII  **ADJOURN**: 5:50 p.m. by Chair Griego.

__________________________________________  Chair

**ATTEST**: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS
AND SECRETARY OF THE PUBLIC AUTHORITY

__________________________________________  Approved:  

02/01/11 – TRLIA
February 15, 2011

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
Seth Wurzel, Financial Consultant
SUBJECT: Acceptance of Amended Budget for Fiscal Year 2010-11

Recommended Action

1. Approve the Executive Director’s Proposed Amended Budget for Fiscal Year 2010-11.
2. Receive the Amended Forecasted Budget for Fiscal Year 2011-12.

Discussion:

The Board adopted the current FY 2010-11 TRLIA Budget on July 20, 2010. The purpose for amending the budget is to provide additional appropriation to allow the Executive Director to move forward with additional real estate work to be outlined within the new TRLIA Real Estate Plan for the WPIC, Upper Bear River above the Bear Setback levee and portions of the Yuba River Levee between Highway 70 and Simpson Lane (Plan). The Board authorized the Executive Director to prepare a budget amendment for approval on February 1, 2011 when it approved creation of the Plan.

Attachment A to this staff report presents the proposed revised pages to the current FY 2010/11 and Forecasted 2011/12 Budget for your consideration.

The change to the FY 10/11 budget consists of an increase to expenditure account 805-3350-425.23-01 of $898,500. This additional expenditure is offset by an associated decrease in the projected fund balance carryover to FY 11/12. The specific details of the proposed increase in the Special Projects Expenditure account are outlined in the following table below.

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Description</th>
<th>Current</th>
<th>Proposed</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRLIA Phase 2 Levee Repair</td>
<td>0</td>
<td>443,750</td>
<td>443,750</td>
<td></td>
</tr>
<tr>
<td>TRLIA Phase 3 Levee Repair</td>
<td>200,685</td>
<td>200,685</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>TRLIA Phase 4 Upper Yuba Levee Repair</td>
<td>25,228,812</td>
<td>25,390,062</td>
<td>161,250</td>
<td></td>
</tr>
<tr>
<td>TRLIA Phase 4 Feather Levee Repair (Segment)</td>
<td>589,341</td>
<td>750,341</td>
<td>161,000</td>
<td></td>
</tr>
<tr>
<td>TRLIA Phase 4 Feather Levee Repair (Segment)</td>
<td>18,591,804</td>
<td>18,591,804</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>TRLIA Phase 4 Feather Levee Repair (Segment)</td>
<td>164,747</td>
<td>297,247</td>
<td>132,500</td>
<td></td>
</tr>
<tr>
<td>Olivehurst Detention Basin</td>
<td>75,285</td>
<td>75,285</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Gold Fields</td>
<td>260,952</td>
<td>260,952</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

805-3350-425.23-01 TOTAL SPECIAL PROJECT EXPENDITURES | 45,111,625 | 46,010,125 | 898,500 |
As noted previously, the primary purpose of this increase is to provide additional funding to cover associated real estate expenditures not previously budgeted for the associated projects. The $898,500 increase for FY 10/11 consists of additional real estate support work associated with the Right of Way Agent, Legal and Engineering consultants as well as the direct acquisition costs of the property and/or easements.

The change to forecasted FY 11/12 budget also consists of an increase to the expenditure account 805-3350-425.23-01. The total forecast for the FY 11/12 budget is not finalized. To date, an additional $3,152,500 of additional expenditures have been identified, however, additional costs associated with certain properties have not yet been determined. As is similar to the current fiscal year, these additional expenditures would be offset by an equivalent decrease in the projected fund balance carryover to FY 12/13. The specific details of the proposed increase in the Special Projects Expenditure account are outlined in the following table below.

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Description</th>
<th>Current</th>
<th>Proposed</th>
<th>Increase</th>
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</thead>
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<tr>
<td>805-3350-425.23-01</td>
<td>TRUIA Phase 2 Levee Repair</td>
<td>0</td>
<td>1,205,000</td>
<td>1,205,000</td>
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<tr>
<td></td>
<td>TRUIA Phase 3 Levee Repair</td>
<td>97,720</td>
<td>97,720</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>TRUIA Phase 4 Upper Yuba Levee Repair</td>
<td>3,253,771</td>
<td>3,638,771</td>
<td>385,000</td>
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<tr>
<td></td>
<td>TRUIA Phase 4 Feather Levee Repair (Segment 1)</td>
<td>32,000</td>
<td>980,000</td>
<td>948,000</td>
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<tr>
<td></td>
<td>TRUIA Phase 4 Feather Levee Repair (Segment 2)</td>
<td>1,873,970</td>
<td>1,873,970</td>
<td>0</td>
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<tr>
<td></td>
<td>TRUIA Phase 4 Feather Levee Repair (Segment 3)</td>
<td>32,000</td>
<td>679,000</td>
<td>647,000</td>
</tr>
<tr>
<td></td>
<td>Olivehurst Detention Basin</td>
<td>77,267</td>
<td>77,267</td>
<td>0</td>
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<tr>
<td></td>
<td>Gold Fields</td>
<td>75,000</td>
<td>75,000</td>
<td>0</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>SPECIAL PROJECT EXPENDITURES</strong></td>
<td><strong>5,441,728</strong></td>
<td><strong>8,594,228</strong></td>
<td><strong>3,152,500</strong></td>
</tr>
</tbody>
</table>

* Additional costs still TBD.

The projected $3,152,500 increase for FY 11/12 consists of additional real estate support work associated with the Right of Way Agent, Legal and Engineering consultants as well as the direct acquisition costs of the property and/or easements.

As part of the analysis prepared for this budget amendment, TRLIA reviewed the previously incurred expenses through December 31, 2010 to determine the status of expenditures within the current budget. The table below shows that TRLIA is currently well within the projected expenditures for FY 2010/11.

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>Budget</th>
<th>Actuals 1/</th>
<th>% Expended</th>
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</thead>
<tbody>
<tr>
<td>805-3350-425.15-00</td>
<td>INSURANCE</td>
<td>286,827</td>
<td>286,827</td>
<td>100%</td>
</tr>
<tr>
<td>805-3350-425.20-00</td>
<td>MEMBERSHIP</td>
<td>10,800</td>
<td>10,205</td>
<td>94%</td>
</tr>
<tr>
<td></td>
<td>SPECIAL PROJECTS / OUTREACH/</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>805-3350-425.23-01</td>
<td>FUNDING DISTRICT ADMIN</td>
<td>45,237,826</td>
<td>13,284,024</td>
<td>25%</td>
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<tr>
<td>805-3350-425.23-02</td>
<td>PROFESSIONAL SERVICES</td>
<td>583,000</td>
<td>233,496</td>
<td>40%</td>
</tr>
<tr>
<td>805-3350-425.29-00</td>
<td>TRAVEL</td>
<td>20,000</td>
<td>6,673</td>
<td>33%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>46,138,233</strong></td>
<td><strong>13,821,224</strong></td>
<td><strong>30%</strong></td>
<td></td>
</tr>
</tbody>
</table>

1/ Actual costs represent Invoices and Journals paid through December 31, 2010.
**Fiscal Impact**

Proposed additional appropriations for fiscal year 2010-11 total $898,500. Funding sources for the additional expense include a combination of State and Local funding as previously outlined within the February 1, 2011 staff report for the Real Estate Plan. The additional appropriation for the current Fiscal Year comes from a decrease in the projected fund carryover to FY 2011/12.

Attachment:
TRLIA Proposed Amended 2010/11 Budget Pages, February 15, 2011
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Proposed Amended 2010/11 Budget Pages

Paul G. Brunner, P.E.
Executive Director

February 15, 2011

Attachment A
**TRLIA**

**PROPOSED AMENDED FISCAL YEAR 2010-2011 BUDGET**

**BUDGETED ESTIMATED EXPENDITURE SUMMARY**

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>REQUEST 2010 - 2011</th>
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<tbody>
<tr>
<td>805-3350-425.15-00</td>
<td>INSURANCE</td>
<td>286,827</td>
</tr>
<tr>
<td>805-3350-425.20-00</td>
<td>MEMBERSHIP</td>
<td>10,800</td>
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<tr>
<td>805-3350-425.23-01</td>
<td>SPECIAL PROJECTS</td>
<td>46,010,126</td>
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<tr>
<td></td>
<td>TRLIA Phase 2 Levee Repair</td>
<td>443,750</td>
</tr>
<tr>
<td></td>
<td>TRLIA Phase 3 Levee Repair</td>
<td>200,685</td>
</tr>
<tr>
<td></td>
<td>TRLIA Phase 4 Upper Yuba Levee Repair</td>
<td>25,390,062</td>
</tr>
<tr>
<td></td>
<td>TRLIA Phase 4 Feather Levee Repair (Segment 1)</td>
<td>750,341</td>
</tr>
<tr>
<td></td>
<td>TRLIA Phase 4 Feather Levee Repair (Segment 2)</td>
<td>18,591,804</td>
</tr>
<tr>
<td></td>
<td>TRLIA Phase 4 Feather Levee Repair (Segment 3)</td>
<td>297,247</td>
</tr>
<tr>
<td></td>
<td>Olivehurst Detention Basin</td>
<td>75,285</td>
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<tr>
<td></td>
<td>Gold Fields</td>
<td>260,952</td>
</tr>
<tr>
<td>805-3350-425.23-02</td>
<td>PROFESSIONAL SERVICES</td>
<td>583,000</td>
</tr>
<tr>
<td>805-3350-425.23-01</td>
<td>TRLIA FUNDING DISTRICT ADMIN.</td>
<td>26,000</td>
</tr>
<tr>
<td>805-3350-425.23-01</td>
<td>TRLIA OUTREACH</td>
<td>100,000</td>
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<tr>
<td>805-3350-425.29-00</td>
<td>TRAVEL</td>
<td>20,000</td>
</tr>
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**TOTAL** 47,036,753

**ESTIMATED REVENUE**

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>REVENUE SOURCE</th>
<th>AMOUNT 2010 - 2011</th>
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<tbody>
<tr>
<td>805-0000-361.62-36</td>
<td>PROP 13 (DWR Phases 2 &amp; 3)</td>
<td>538,858</td>
</tr>
<tr>
<td>805-3350-425.90-00</td>
<td>PROP 1E Yuba - State Share (Advances &amp; Retention)</td>
<td>16,621,234</td>
</tr>
<tr>
<td>805-0000-361.62-50</td>
<td>PROP 1E Yuba - Credited Local Share</td>
<td>5,901,926</td>
</tr>
<tr>
<td>805-3350-425.90-00</td>
<td>PROP 1E Feather - State Share (Advances &amp; Retention)</td>
<td>15,532,293</td>
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<tr>
<td>805-0000-361.62-51</td>
<td>PROP 1E Feather - Credited Local Share</td>
<td>823,208</td>
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<tr>
<td>805-0000-371.98-99</td>
<td>COUNTY/YCWA JOINT FINANCING</td>
<td>0</td>
</tr>
<tr>
<td>805-0000-311.07-00</td>
<td>NET FUNDING DISTRICT REVENUE (ADMIN)</td>
<td>26,000</td>
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</table>

**TOTAL** 39,443,519

**ESTIMATED FUND BALANCES (FY 10/11)**

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>805-0000-101.01-00</td>
<td>STARTING FUND BALANCE (CARRYOVER FROM 09/10)</td>
<td>13,338,727</td>
</tr>
<tr>
<td></td>
<td>PLUS Revenues</td>
<td>39,443,519</td>
</tr>
<tr>
<td></td>
<td>LESS Expenses (47,036,753)</td>
<td>5,745,493</td>
</tr>
</tbody>
</table>

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1/ Source for Special Project Budget is TRLIA Cash Flow Spreadsheet 7-8-10 plus additional real estate costs.
2/ CFD and Assessment District Admin including contracts with SCI & CPFG. Shown separately from Special Projects for clarity.
3/ Includes consulting time related to TRLIA outreach efforts on project certification.
4/ Includes O&M Cost of County Vehicle Provided to TRLIA
5/ Represents advance funding from the State per Upper Yuba funding agreement, transfers from fund 817.
6/ Represents funding for reimbursable expenses from the State per funding agreements.
7/ Represents advance funding from the State per Feather River funding agreement, transfers from fund 816.
8/ No additional funding is budgeted for FY 10-11 to come from YLFA from fund 813.
9/ Represents transfers from funds 810, 811 and 818 to cover CFD and Assessment District administrative expenses.

This page presents the amended budget, proposed for adoption February 15, 2011. All changes from the originally adopted budget dated July 20, 2010 are shown in Red.
### AMENDED SPECIAL PROJECTS DETAIL (23-01)

<table>
<thead>
<tr>
<th>PHASE</th>
<th>Design</th>
<th>Permitting</th>
<th>Construction</th>
<th>CM</th>
<th>ROW Capital/Support</th>
<th>Environmental/Mitigation/Restoration</th>
<th>PM</th>
<th>Contingency</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRLIA Phase 2 Levee Repair Upper Bear, WPIC &amp; Yuba to UPRR</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>443,750</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>443,750</td>
</tr>
<tr>
<td>TRLIA Phase 3 Levee Repair Bear River Setback Levee</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>180,000</td>
<td>0</td>
<td>0</td>
<td>200,685</td>
<td></td>
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<tr>
<td>TRLIA Phase 4 Upper Yuba Levee Repair HWY 70 to Goldfields</td>
<td>1,340,000</td>
<td>833,240</td>
<td>12,982,320</td>
<td>1,675,000</td>
<td>3,597,069</td>
<td>850,000</td>
<td>499,137</td>
<td>3,613,296</td>
<td>25,390,062</td>
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<td>TRLIA Phase 4 Feather Levee Repair Segment 1 - Strengthen in Place</td>
<td>5,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>696,284</td>
<td>0</td>
<td>0</td>
<td>750,341</td>
<td></td>
</tr>
<tr>
<td>TRLIA Phase 4 Feather Levee Repair Segment 2 - Setback</td>
<td>0</td>
<td>0</td>
<td>7,815,000</td>
<td>1,275,000</td>
<td>3,628,344</td>
<td>1,164,263</td>
<td>350,438</td>
<td>4,358,759</td>
<td>18,591,804</td>
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<tr>
<td>TRLIA Phase 4 Feather Levee Repair Segment 3 - Strengthen in Place</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>249,800</td>
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<td>75,000</td>
<td>0</td>
<td>0</td>
<td>285</td>
<td>75,285</td>
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<tr>
<td>Goldfields Analysis</td>
<td>150,000</td>
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<td><strong>$7,972,055</strong></td>
<td><strong>$46,010,126</strong></td>
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1/ Specific Project Management Contract are detailed below
2/ Specific ROW & Permitting Contracts are detailed below

### TRLIA PROJECT MANAGEMENT CONTRACTS (23-01)

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>Management</th>
<th>Contracts Included w/in</th>
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<tbody>
<tr>
<td>MBK (Program Mgmt &amp; Design Mgmt)</td>
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<td>CPF Group (Financial Consultant)</td>
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<td>Board of Senior Consultants</td>
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<tr>
<td>MBK and Mike Hinz (Financial Support and Auditing)</td>
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<td>Floyd Communications (Public Relations)</td>
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<td><strong>3,438,500</strong></td>
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</table>

This page presents the amended budget, proposed for adoption February 15, 2011. All changes from the originally adopted budget dated July 20, 2010 are shown in Red.
**TRLIA**

**PROPOSED AMENDED FISCAL YEAR 2011-2012**

**PROJECTED BUDGET**

**BUDGETED ESTIMATED EXPENDITURE SUMMARY 1/**

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>AMOUNT</th>
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<tr>
<td>805-3350-425.15-00</td>
<td>INSURANCE</td>
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<td>805-3350-425.20-00</td>
<td>MEMBERSHIP</td>
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<td>805-3350-425.23-01</td>
<td>SPECIAL PROJECTS</td>
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</tr>
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<td></td>
<td>TRLIA Phase 2 Upper Bear, WPIC &amp; Yuba to UPRR</td>
<td>1,205,000</td>
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<td>TRLIA Phase 3 Levee Repair</td>
<td>97,720</td>
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<td>TRLIA Phase 4 Upper Yuba Levee Repair</td>
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<td>TRLIA Phase 4 Feather Levee Repair (Segment 1)</td>
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<td>TRLIA Phase 4 Feather Levee Repair (Segment 2)</td>
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<td>TRLIA Phase 4 Feather Levee Repair (Segment 3)</td>
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<td></td>
<td>Gold Fields</td>
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<td>805-3350-425.29-00</td>
<td>TRAVEL</td>
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*Additional Real Estate costs still yet TBD.*

**ESTIMATED REVENUE 1/**

<table>
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<tr>
<th>ACCOUNT NUMBER</th>
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<td>PROP 1E Yuba - Credited Local Share</td>
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<td>PROP 1E Feather - Credited Local Share</td>
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<td>805-0000-311.07-00</td>
<td>NET FUNDING DISTRICT REVENUE (ADMIN)</td>
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**TOTAL** 5,534,634

**ESTIMATED FUND BALANCES (FY 11/12)**

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<th>ACCOUNT NUMBER</th>
<th>STARTING FUND BALANCE (CARRYOVER FROM 10/11)</th>
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<td>LESS Expenses</td>
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<td>ENDING FUND BALANCE (CARRYOVER TO 12/13)</td>
<td>1,746,272</td>
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1/ Source for Special Project Budget is TRLIA Cash Flow Spreadsheet 7-8-10 plus additional real estate costs.

2/ CFD and Assessment District, Includes Contracts with SCI & CPFG. Shown separately from Special Projects for Clarity.

3/ Includes O&M Cost of County Vehicle Provided to TRLIA

4/ Represents advance funding from the State per Upper Yuba funding agreement, transfers from fund 817.

5/ Represents funding for reimbursable expenses from the State per funding agreements.

6/ Represents advance funding from the State per Feather River funding agreement, transfers from fund 816.

7/ Reflects Annuity from Endowment funded in December 2009.

8/ Represents transfers from funds 810, 811 and 818 to cover CFD and Assessment District administrative expenses.

This page presents the amended budget, proposed for adoption February 15, 2011. All changes from the originally adopted budget dated July 20, 2010 are shown in Red.
### AMENDED SPECIAL PROJECTS DETAIL (#23-01)

**Jul 11 - Jun 12**

<table>
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<tr>
<th>PHASE</th>
<th>Major Cost Category</th>
<th>Design</th>
<th>Permitting</th>
<th>Construction</th>
<th>CM</th>
<th>ROW Capital/Support</th>
<th>Environmental/Mitigation/Restoration</th>
<th>PM</th>
<th>Contingency</th>
<th>Total</th>
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<td>$3,501,348</td>
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1/ Specific Project Management Contract are detailed below.
2/ Specific ROW & Permitting Contracts are detailed below.

### TRLIA PROJECT MANAGEMENT CONTRACTS (#23-01)

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>Management</th>
<th>Portion Included w/in Permits &amp; R of W</th>
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<td>Downey Brand (R of W Counsel) 1/</td>
<td>0</td>
<td>649,000 1/</td>
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<tr>
<td>BRI (ROW Mgmt and Acquisition)</td>
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<td>435,000 1/</td>
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<td>37,500 1/</td>
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<td>CPF Group (Financial Consultant)</td>
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<tr>
<td>MBK and Mike Hinz (Financial Support and Auditing)</td>
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<td>Floyd Communications (Public Relations)</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>810,000</td>
<td>1,121,500</td>
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1/ Total additional costs TBD.

This page presents the amended budget, proposed for adoption February 15, 2011. All changes from the originally adopted budget dated July 20, 2010 are shown in Red.
February 15, 2011

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul G. Brunner, Executive Director
       Ric Reinhardt, Program Manager
SUBJECT: Delegation of Authority to Executive Director to take Actions to Develop
          Information Necessary to Certify the RD 784 Levee System for
          200-Year Flood Protection

Recommended Action:
Approve the proposed approach for 200-year certification and authorize the Executive Director
to execute the actions necessary to determine how the RD 784 Levee System that was recently
TRLIA certified for FEMA Accreditation complies with the recently issued State Interim Levee
Design Criteria for 200-year protection.

Background
The Three Rivers Levee Improvement Authority (TRLIA) since 2004 has been executing designs
and constructing repairs to the RD 784 Levee System to increase flood protection. It has been
the goal of these endeavors to provide 200-year flood protection to the RD 784 urban area. 200-
year protection was chosen because these rapidly growing areas warranted a high degree of
protection and because the Central Valley Flood Protection Board (then the Reclamation Board)
(CVFPB) made 200-year protection a condition for issuing encroachment permits to accomplish
the repairs. In October 2009 TRLIA codified for public information the 200-year levee design
criteria that had been used by TRLIA consultants in designing levee repairs.

State law enacted in 2007 (Senate Bill (SB) 5) calls for 200-year flood protection to be the
minimum level of protection for urban and urbanizing areas in the Sacramento-San Joaquin
Valley (i.e., the urban level of flood protection). Based on current schedules, by 2015 the new
law will limit the conditions for approval of development by local governments if adequate
progress towards achieving 200-year protection is not met. That is, the County will have to
make a finding that an area protected by levees has made adequate progress towards 200-year
protection before it can approve development plans or permits. SB 5 requires that the urban
level of flood protection be consistent with criteria used or developed by DWR. To avoid
delaying urgently needed flood protection, Interim Levee Design Criteria (ILDC) were
developed by the State and issued in final draft form in December 2010. The ILDC document
can be found on the DWR website at http://www.water.ca.gov/cyfmpp/. The ILDC were
developed through a collaborative stakeholder involvement process with representatives from
cities, counties, flood agencies, State of California (State) agencies, and Federal agencies. Ric
Reinhardt and Dr. Les Harder represented TRLIA during development of these criteria. The
ILDC will continue to be refined before being finalized, most likely as regulations, by around
2013-2014. Even after being finalized, amendments may be needed from time to time. The ILDC supersedes the TRLIA 200-year design criteria.

**Discussion:**
The County finding of 200-year protection will need to be based on a civil engineer’s certification supported by a body of evidence. With the issuance of the ILDC, TRLIA is prepared to begin gathering the information required for 200-year certification. Attached is a proposed approach for accomplishing 200-year certification following the criteria presented in the ILDC. TRLIA consultants used for the design of the repairs will provide the assessments which will be organized into a summary report that will identify how the current FEMA accredited levee system stands in relation to the new ILDC. The summary will include the following: 1) a list of items that fully achieve the new criteria; 2) a list of items that deviate from the new criteria, but are acceptable for 200-year certification; and 3) a list of items where additional work is needed. TRLIA’s current Board of Senior Consultants will provide a required independent review of the summary report. With approval by the TRLIA Board of this approach and delegation of authority to the Executive Director to proceed, proposals will be elicited from TRLIA design consultants and amendments to their contracts for the work brought back to the Board for approval.

**Fiscal Impact:**
By approving moving forward with 200-year certification, TRLIA will be assuming a potential future expense for staff to conduct levee assessments according to the recently issued ILDC. The expenses for doing this evaluation will be funded by two different sources:

- The State will provide Prop 1E funding per the Feather River and UYLIP EIP Funding Agreements (Feather River Segments 1, 2, and 3; and the UYLIP).
- Local funds will be used for the Prior Levee work (WPIC, Bear River, and Yuba River from HWY 70 to Simpson Lane). Local Funding Sources are those local funds that came from developer advance funding used to cash flow TRLIA’s levee improvement work prior to the EIP Projects and the Yuba Levee Financing Authority Joint Financing. Recently received reimbursements and future received reimbursements to be received from the State represent those Local Funding Sources coming back to TRLIA after having cash flowed current projects.

**ATTACHMENT**
1. TRLIA Approach for Providing 200-Year Certification
RD 784 Levee System
Approach to Provide 200-Year Certification for Senate Bill 5

TRLIA has certified the RD 784 Levee System to FEMA for the 100-year flood. However, TRLIA has designed and constructed all repairs with the goal of providing 200-year protection to RD 784. At the time of design, the State of California had not developed criteria to define what would be required to meet the 200-year standard. As construction on the system nears completion it is now time for TRLIA to evaluate the completed project against the newly released State Interim Levee Design Criteria (ILDC) and determine what is required to certify the system as providing 200-year protection. This certification will be made to Yuba County for its use in reviewing future development plans. The 200-year certification will be accomplished by engineering assessments of each reach of the system against criteria contained in the CA Department of Water Resources ILDC for Urban and Urbanizing Areas in the Sacramento-San Joaquin Valley, Version 4, December 15, 2010. The ILDC document can be found on the DWR website at http://www.water.ca.gov/cvfmp/. Attached to this approach is Table 2 from the ILDC which presents a summary of the criteria that must be met to provide 200-year protection. Below is the approach that TRLIA will use in providing the evidence for the record to be used for the 200-year certification.

Design Water Surface Elevation Criteria
MBK will provide water surface and hydraulic top of levee information for all reaches in the system. The modified version of the FEMA approach (Option 1) listed in the ILDC will be used to evaluate if the constructed top of levee is adequate for 200-year protection. This evaluation will include wind set and wave run up. MBK will develop the Design Water Surface Elevation (DWSE), the Hydraulic Top of Levee (HTOL), and the 10-year flood profile to be used by other consultants in the geotechnical evaluations. The 10-year flood profile is necessary for seismic evaluation and planning for levee restoration after a seismic event. MBK will evaluate whether adjustments to the DWSE to account for climate change are necessary. MBK will prepare a report documenting all hydrologic and hydraulic information used to develop the DWSE. This documentation will include the agency or consultant that prepared the information, date of information, and purpose for which information was prepared.

Underseepage, Slope Stability, Seismic Vulnerability, and Geometric Criteria
The design consultant (Either GEI, HDR or Kleinfelder) that performed the original geotechnical evaluations for levee repairs will evaluate the repair reaches for geotechnical criteria. The criteria for Intermittently-Loaded Levees will be used. See attached Table 2 for criteria. Evaluations will be made for:
- Seepage
- Steady State Slope Stability
- Seismic Vulnerability (The Consultant will estimate levee slumping during a seismic event, compare that to the 10-year profile, and describe a plan for immediate restoration of any damaged reaches to protect against a 10-year flood)
- Geometric Criteria (It is expected that a general description of levee geometry will be given as a part of the Slope Stability evaluation. The consultant should describe if the reach of levee generally meets the criteria in the ILDC and ramifications of any locations
where it does not). For purposes of this evaluation, the consultant will assume repairs
that have been accomplished or permitted after review and approval of the Corps,
CVFPB and DWR are existing conditions

**Erosion Potential**
MBK will evaluate the potential for erosion from both river flows and wind-wave shear stress for
the entire RD 784 levee system. MBK will consider the recent repairs to the levee system and
wind-wave analyses performed in the initial designs. These design wind-wave analyses will be
compared to the approach suggested in Section 7.5 of the ILDC.

**Right-of-Way Criteria**
MBK will describe and evaluate existing right of way along the RD 784 levee system. The
existing right of way will be evaluated against the objectives found in the ILDC and explanations
of right of way adequacy provided for reaches where the objectives are not completely met.
Future actions of TRLIA with respect to right of way acquisition will be described.

**Encroachments, Penetrations and Closure Structures**
The design consultant (Either GEI or HDR) that performed the original designs for levee repairs
will assess the repair reaches for encroachments, penetrations and closure structures. The
assessment will identify all encroachments, penetrations, and closure structures in the levee reach
and a determination made as to whether the identified feature poses a hazard. Penetrations will
be categorized as low, medium or high hazard. Assessments will follow the guidance in Sections
7.1, 7.2 and 7.3 of the ILDC.

**Levee Vegetation**
MBK will provide a vegetation assessment of the RD 784 levee system. This assessment will
consider the proposed Corps criteria and the DWR interim criteria. Any conditions which do not
meet criteria will be noted and future actions at these locations discussed.

**Independent Expert Panel**
TRLIA will use the current TRLIA Board of Senior consultants to provide an independent expert
review of the certification report.

**Security**
To be determined
# 6.9 Levee Design Criteria Summary

Levee design criteria for the two design options are summarized in Tables 2 and 3, for intermittently-loaded and frequently-loaded levees, respectively:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Criteria</th>
</tr>
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<tbody>
<tr>
<td>DWSE (Option 1)</td>
<td>Median 200-year WSE</td>
</tr>
<tr>
<td>DWSE (Option 2)</td>
<td>90% assurance 200-year WSE</td>
</tr>
<tr>
<td>TOL (Option 1) for hydraulic criteria</td>
<td>Median 200-year WSE + higher of (1) 3 feet, or (2) height for wind setup and wave runup</td>
</tr>
</tbody>
</table>
| TOL (Option 2) for hydraulic criteria | Lower of A or B, where:  
  * A is the higher of (1) 90% assurance 200-year WSE, (2) median 200-year WSE plus three feet, or (3) median 200-year WSE plus height for wind setup and wave runup  
  * B is the higher of (1) 95% assurance 200-year WSE, (2) median 200-year WSE plus two feet, or (3) median 200-year WSE plus height for wind setup and wave runup |
| HTOL (Option 1) for geotechnical criteria | Lower of (1) median 200-year WSE plus three feet, or (2) median 500-year WSE |
| HTOL (Option 2) for geotechnical criteria | Lower of (1) median 200-year WSE plus three feet, (2) physical top of levee if it is equal to or higher than the 95% assurance 200-year WSE and at least two feet above the median 200-year WSE, or (3) median 500-year WSE |
| Seepage - Exit Gradient at Levee Toe | For DWSE  
  $\gamma \leq 112$ pcf  
  $i \leq 0.5$  
  $FS \geq 1.6$  
  $\gamma > 112$ pcf  
  $i > 0.5$  
  $<20\%$ FS degradation for berms less than 100 feet  
  $<10\%$ FS degradation for berms less than 100 feet |
| Seepage - Exit Gradient at Seepage Berm Toe | For HTOL  
  $\gamma \leq 112$ pcf  
  $i \leq 0.8$  
  $FS \geq 1.0$  
  $\gamma > 112$ pcf  
  $i > 0.8$  
  $FS \geq 1.3$  
  $FS \geq 1.4$  
  $FS \geq 1.2$ |
| Steady State Slope Stability |  
  $FS \geq 1.4$ |
| Seismic Vulnerability |  
  Restore grade and dimensions for at least 10-year WSE plus three feet of freeboard or higher for wind setup and wave runup within eight weeks |
| Levee Geometry |  
  For new or extensive reconstruction on a major stream, minimum 20-foot-wide crown, 3h:1v waterside and landside slopes for all levees except bypass levees (4h:1v waterside slope) |

**Note:** The median 200-year WSE, the 90% assurance 200-year WSE, and the 95% assurance 200-year WSE in this table are assumed to have been increased appropriately to account for the potential for new, updated hydrology to yield higher flows.

**Key:**
- DWSE = design water surface elevation
- FS = factor of safety
- HTOL = hydraulic top of levee
- $i$ = exit gradient
- pcf = pounds per cubic foot
- TOL = top of levee
- WSE = water surface elevation
- $\gamma$ = unit weight of soil

Interim Levee Design Criteria, Version 4  
December 15, 2010  
6-18
February 15, 2011

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
       Larry Dacus, Design Manager
SUBJECT: Consider Contractual Amendment 9 with Bender Rosenthal, Inc. (BRI) for various TRLIA Projects requiring Right of Way Services

Recommended Action
Approve a $538,000 Contract Amendment 9 (Attached) to the existing contract with BRI for the EIP Upper Yuba Levee Improvement Project (UYLIP), Feather River Levee EIP Segments 1 & 3, and Prior Levee Work (WPIC, Upper Bear, and Yuba River Levee from Hwy 70 to Simpson Lane) for Right of Way Services associated with acquisition of toe access corridors and authorize Executive Director to sign and execute upon review of General Counsel.

Discussion
Bender Rosenthal, Inc.’s contract with the TRLIA expired on December 31, 2010. The purpose of this amendment is to extend the contract date to December 31, 2011, and amend the contract budget by $538,000 from $4,344,771 to $4,882,771 to cover additional Right of Way consultant services required on the EIP UYLIP, Feather River Levee EIP Segments 1 & 3, and Prior Levee Work (WPIC, Upper Bear, and Yuba River Levee from Hwy 70 to Simpson Lane) required by Central Valley Flood Protection Board (CVFPB) encroachment permits and new DWR interim levee criteria.

BRI is currently working with TRLIA on a number of right of way projects. Those projects include:

1. Upper Yuba Levee Improvement Project
2. Feather River – Segment 1 Toe Access Corridor
3. Feather River – Segment 3 Toe Access Corridor
4. Upper Bear / WPIC Toe Access Corridor
5. Feather River Setback Land Transfer
6. Bear River Setback Land Transfer
7. Lower Yuba (Hwy 70 to Simpson Lane) Toe Access Corridor & Land Transfer

The revised scope of work for right of way services associated listed above cannot be completed within the current budget. Exhibit 1 details the additional services required for these efforts and the budget for each.
**Fiscal Impact**
The expenses for doing this evaluation will be funded by two different sources:

- The State will provide Prop 1E funding per the Feather River and UYLIP EIP Funding Agreements (Feather River Segments 1, 2, and 3; and the UYLIP).

- Local funds will be used for the Prior Levee work (WPIC, Bear River, and Yuba River from HWY 70 to Simpson Lane). Local Funding Sources are those local funds that came from developer advance funding used to cash flow TRLIA’s levee improvement work prior to the EIP Projects and the Yuba Levee Financing Authority Joint Financing. Recently received reimbursements and future received reimbursements to be received from the State represent those Local Funding Sources coming back to TRLIA after having cash flowed current projects.

Attachment:
Proposed Amendment 9
NINTH AMENDMENT
TO
AGREEMENT BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
AND
BENDER ROSENTHAL, INC.

THIS NINTH AMENDATORY AGREEMENT is made and entered into this ________ day of February 2011 by and between the THREE RIVERS LEVEE IMPROVEMENT AUTHORITY ("TRLIA"), a Joint Powers Authority, and BENDER ROSENTHAL, INC. ("CONSULTANT")

RECITALS:

WHEREAS, TRLIA and CONSULTANT entered into an agreement to provide basic services dated March 1, 2005, ("AGREEMENT"): 

WHEREAS, TRLIA and CONSULTANT entered into the first Amendatory Agreement, to provide basic services dated March 1, 2006.

WHEREAS, TRLIA and CONSULTANT entered into the second Amendatory Agreement to provide basic services dated May 16, 2006.

WHEREAS, TRLIA and CONSULTANT entered into the third Amendatory Agreement to provide basic services dated September 26, 2006.

WHEREAS, TRLIA and CONSULTANT entered into the fourth Amendatory Agreement to provide basic services dated January 16, 2007.

WHEREAS, TRLIA and CONSULTANT entered into the fifth Amendatory Agreement to provide basic services dated February 6, 2007.

WHEREAS, TRLIA and CONSULTANT entered into the sixth Amendatory Agreement to provide basic services dated March 27, 2007.

WHEREAS, TRLIA and CONSULTANT entered into the seventh Amendatory Agreement to provide basic services dated August 19, 2008.

WHEREAS, TRLIA and CONSULTANT entered into the eighth Amendatory Agreement to provide basic services dated June 16, 2009.

WHEREAS, Provision D.24 of the AGREEMENT, states that modifications or amendments to the terms of the AGREEMENT shall be in writing and executed by both parties;

WHEREAS, TRLIA and CONSULTANT desire to amend the Agreement:

NOW, THEREFORE, TRLIA and CONSULTANT agree as follows:
1. Article 2 of the AGREEMENT shall be revised to extend the Termination Date of the agreement to December 31, 2011.

2. Exhibit A of the AGREEMENT shall be amended to perform those additional services described in Exhibit 1 attached to this ninth AMENDMENT.

3. Article 3 and Provision B.1 of the AGREEMENT shall be revised to increase the price ceiling for basic services by $538,000 from: $4,347,771 to $4,885,771.

All other terms and conditions contained in the Agreement shall remain in full force and effect.

This Amendatory agreement is hereby executed on this __________ day of 2011.

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

BY: __________________________
    Paul G. Brunner, Executive Director

BENDER ROSENTHAL, INC.

BY: __________________________
    Bob Morrison, Vice-President

APPROVED AS TO FORM,

______________________________
ANDREA CLARK
TRLIA General Counsel
EXHIBIT 1

SCOPE OF SERVICES
AMENDMENT 9
February 8, 2011

Bender Rosenthal, Inc. (BRI) began working with TRLIA in March 2005, and continues to enjoy being a part of the TRLIA Team. BRI is currently working with TRLIA on a number of right of way projects. Those projects include:

1. Upper Yuba Levee Improvement Project
2. Feather River – Segment 1 Toe Access Corridor
3. Feather River – Segment 3 Toe Access Corridor
4. Upper Bear / WPIC Toe Access Corridor
5. Feather River Setback Land Transfer
6. Bear River Setback Land Transfer
7. Lower Yuba Toe Access Corridor & Land Transfer

BRI’s contract with TRLIA expired on December 31, 2010. The remaining budget as of January 1, 2011, is $38,144.67. The revised scope of work for right of way services associated with the current tasks requested of BRI cannot be completed within the remaining budget. Below is a discussion of the additional services and budget requested for each of the tasks listed above.

1. Upper Yuba Levee Improvement Project (UYLIP)

The right of way phase of the project will extend well into 2011. The number of parcels initially identified to acquire within the original contract was 26 parcels. That number has increased to 47 parcels. The original budget amount is $569,000. The scope of services within the UYLIP contract includes:

1. Right of Way (ROW) Planning and Management
   1A. DWR Coordination
2. Rights of Entry for Environmental and Geotechnical Work
3. Right of Way Engineering (Land Net)
4. Plats and Legals / ROW Field Staking
5. Appraisals
6. Appraisal Review
7. Acquisition
8. Relocation Assistance
9. Title and Escrow Support
10. Condemnation Support

The estimate to complete the remaining work on the UYLIP is $103,000.
2. Feather River – Segment 1 Toe Access Corridor

The initial scope of work for this project included acquiring rights from 3 owners for construction. As part of the project close out, the team identified that the CVFPB permit requires a 50’ corridor for operation and maintenance. This will require right of way acquisition for a toe access corridor from up to 3 property owners.

Task estimate is $45,000 to negotiate with the owners and tenants.

3. Feather River – Segment 3 Toe Access Corridor

The initial scope of work for this project included acquiring rights from 10 parcels. As part of the project close out, the team identified 55 property owner fences encroaching onto TRLIA / RD 784 right of way. In addition, right of way acquisition for a toe access corridor may be required from up to 4 parcels.

BRI will need to negotiate with the owners and tenants of the 55 parcels; appraise and acquire any additional right of way for the toe access corridor, and coordinate with DWR for reimbursement.

Task estimate is $150,000 to accomplish this task.

4. Upper Bear / WPIC Toe Access Corridor

The initial scope of work for this project included acquiring rights from 10+ parcels for construction, and did not require TRLIA to transfer the property to DWR. As part of the project close out, the team identified that the CVFPB permit requires TRLIA acquire a corridor for operation and maintenance. This will require right of way acquisition for a toe access corridor from up to 5 property owners along the WPIC and 2 property owners along the Upper Bear River. In addition, TRLIA will need to transfer the newly acquired rights to DWR.

Task estimate is $105,000 to negotiate with the owners and tenants.

5. Feather River Setback Land Transfer

No Change

6. Bear River Setback Land Transfer

Bender Rosenthal is working with the California Department of Water Resources and California Fish and Game to determine who should become the final fee owner of the Bear River Setback area, and how that transfer should take place. Tasks include multiple meetings, a real estate plan to DWR, final accounting packages for each parcel, developing metes and bounds descriptions of each of the environmentally sensitive areas (not included in our scope), developing the transfer documents, and opening escrow. There are 10+ parcels that need to be transferred.

Task estimate is $35,000 to negotiate with the owners and tenants.
7. Lower Yuba Toe Access Corridor & Land Transfer

The initial scope of work for this project included acquiring rights from 10+ parcels for construction, and did not require TRLIA to transfer the property to DWR. As part of the project close out, the team identified that the CVFPB permit requires TRLIA acquire a corridor for operation and maintenance. This will require right of way acquisition for a toe access corridor from up to 5 property owners. In addition, TRLIA will need to transfer their existing rights to DWR on 10+ parcels. TRLIA may identify the need to acquire property from up to an additional 35 residential properties in a subdivision between the UPRR and Simpson Lane. Final acquisition in this subdivision has not been determined and BEI has not established a budget for acquisition in the subdivision.

Task estimate is $100,000 to negotiate with the owners and tenants. This effort does not include any acquisition from the subdivision between UPRR and Simpson Lane.

The existing contract will be amended to extend the contract to December 31, 2011, and increase the budget by $538,000 to a total not to exceed $4,885,771.
February 15, 2011

TO: Paul Brunner, Executive Director
FROM: Larry Dacus, Design Manager
SUBJECT: Consider Approval of Second Contract Amendment to CTA Engineering and Surveying Professional Services Contract

Recommended Action:
Approve a $75,000 contract Amendment #2 (attached) to the basic CTA Engineering and Surveying (CTA) contract for engineering services and authorize Executive Director to sign and execute upon review of General Counsel.

Discussion:
TRLIA entered into a professional services contract with CTA to perform surveying services for the Feather and Bear levee repairs land acquisition actions. The current cost of the basic agreement and amendment #1 is $62,000.

The TRLIA Team is currently involved in identifying and acquiring additional real estate to provide toe access corridors as required by the different encroachment permits issued for TRLIA levee repairs. These additional acquisition actions will occur along the WPIC West Levee, the Upper Bear North Levee, the Feather East Levee Segments 1 and 3, and along the lower Yuba South Levee (Hwy 70 to Simpson Lane). Survey tasks will include development of land nets showing existing parcels and current ownerships, exhibits showing land to be acquired, field staking indicating land to be acquired, and the development of plats and legal documents for use in acquisitions. These tasks are described in Exhibit 1.

CTA has been providing these services in a timely and professional manner for the Upper Yuba Levee Improvement Project and for the Feather River Levee Repair Projects. CTA is knowledgeable of survey conditions in Yuba County and can provide the needed services in an expedient manner and at a reasonable cost.

Fiscal Impact:
This amendment would increase the contract by $75,000 for services on a time-and-expenses basis, to a maximum amount not to exceed a total contract amount of $137,000. The amount in the amendment is based on FY 08/09 billing rates.

The expenses for doing these services will be funded by two different sources:

- The State will provide Prop 1E funding per the Feather River and UYLIP EIP Funding Agreements (Feather River Segments 1, and 3).
- Local funds will be used for the Prior Levee work (WPIC, Upper Bear River, and Yuba River from HWY 70 to Simpson Lane). Local Funding Sources are those
local funds that came from developer advance funding used to cash flow TRLIA's levee improvement work prior to the EIP Projects and the Yuba Levee Financing Authority Joint Financing. Recently received reimbursements and future received reimbursements to be received from the State represent those Local Funding Sources coming back to TRLIA after having cash flowed current projects.

Attachments:
1. CTA Engineering and Surveying Amendment 2
2. Exhibit 1
AMENDMENT NO. 2

AGREEMENT FOR PROFESSIONAL SERVICES
FOR
ENGINEERING SERVICES
BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AND
CTA ENGINEERING AND SURVEYING

THIS SECOND AMENDATORY AGREEMENT is made effective February
______, 2011, by and between Three Rivers Levee Improvement Authority ("TRLIA")
and CTA Engineering and Surveying ("the Consultant"), who agree as follows:

1. **Recitals.** This Amendment is made with reference to the following background
recitals:

1.1. Effective March 2, 2010 the parties entered into an Agreement for
Professional Services relating to Surveying Services for TRLIA’s
Construction Program ("Agreement").

1.2. Effective August 3, 2010 the parties entered into the first Amendatory
Agreement.

1.3. Article C.24 of the AGREEMENT, states that modifications or amendments
to the terms of the AGREEMENT shall be in writing and executed by both
parties;

1.4. TRLIA and the CONSULTANT desire to amend the AGREEMENT;

NOW, THEREFORE, TRLIA and the CONSULTANT agree as follows.

2. **Second Amendment to Agreement.** The Agreement is hereby amended as
follows:

2.1. The scope of services (Attachment A to the Agreement for Professional
Services between TRLIA and CTA) is amended by the addition of effort to
the original tasks described in the scope of services attached to this
amendment agreement, Exhibit 1.

2.2. The payment, budget, and not-to-exceed amounts (Condition B.1 in
Attachment B to the Agreement for Professional Services between TRLIA
and CTA Engineering and Surveying) are amended to include the additional
amount of $75,000 for a total contract amount of $137,000.

Attachment 1
3. **No Effect on Other Provisions.** Except for the amendments in Section 2, the remaining provisions of the Professional Services Agreement shall be unaffected and remain in full force and effect.

    IN WITNESS WHEREOF, the parties hereto have executed this Agreement on ______________________, 2011.

    THREE RIVERS LEVEE
    IMPROVEMENT AUTHORITY

    Paul G. Brunner
    Executive Director

    CTA ENGINEERING AND
    SURVEYING

    Kevin A. Heeney
    Vice-President

    ATTEST:
    DONNA STOTTLEMEYER
    CLERK OF THE BOARD OF DIRECTORS

    APPROVED AS TO FORM:
    SCOTT L. SHAPIRO
    GENERAL COUNSEL

    [Signature]

    Andrea P. Clark
EXHIBIT 1

CTA ENGINEERING AND SURVEYING
SCOPE OF WORK
TOE ACCESS CORRIDOR ACQUISITIONS

TRLIA has need for surveying services in defining additional acquisitions needed to provide toe access corridors as prescribed in a series of encroachment permits from the Central Valley Flood Protection Board for TRLIA levee repairs. These efforts will occur along the following levee reaches:

- WPIC West Levee
- Upper (Above Bear Setback Levee) Bear North Levee
- Feather East Levee Segment 1
- Feather East Levee Segment 3
- Lower (Highway 70 to Simpson Lane) Yuba South Levee

Tasks to be accomplished will consist of:

- Developing land nets showing parcel lines and owners
- Developing exhibits showing acquisition lines
- Staking in the field to show acquisition lines
- Developing plats and legals for acquisition negotiations and filings

Cost estimate for these efforts is $75,000
February 15, 2011

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
        Doug Handen, Construction Manager
SUBJECT: Consider Approval of River Partners Contract Amendment No. 2 for a One-year Extension of Maintenance and Monitoring of the Bear River Setback Restoration Area

**Recommended Action**
Approve a $58,000 contract Amendment No. 2 (attached) with River Partners for additional maintenance and monitoring services for the Bear River Setback Restoration area and authorize Executive Director to sign and execute upon review of General Counsel.

**Background**
TRLIA entered into an agreement with River Partners, on September 12, 2006, to construct the Bear River Restoration Area. The agreement included four phases of work and was followed by Amendment 1 of the agreement. Amendment 1 of the current agreement with River Partners includes Monitoring and Maintenance of the Restoration Area for the time period of November 2009 through February 2011.

The restoration of the Bear River Setback area was completed in accordance with the conditions provided to TRLIA under the California Endangered Species Act, Section 2081 Permit, and the U.S. Army Corps of Engineers, Section 404 of the Clean Water Act, and the Biological Opinion for this project.

One of the conditions of the Corps 404 permit and USFS incidental take authorization is for TRLIA to establish an endowment for the long term maintenance of the Bear River Restoration Area. Once established the endowment would after 1 to 1 and half years (dependent on interest rate) be able to provide continuous yearly funding for the long term maintenance. To establish an endowment requires that the future state owner identify a third party land manager be identified. Since the state has not been able to work out which state agency will manage the land; they have not identified the third party land manager. Several years ago TRLIA estimated the cost of this endowment to be approximately $2 million. TRLIA has set aside this amount of money for the Bear River endowment into an escrow account pending the establishment of the third party arrangement which will be approved by the TRLIA Board.

TRLIA is required to turn the property over to a state agency, the likely candidate being the Department of Fish and Game because of the influx of Proposition 13 funds to the Bear project. Discussions with the state have been ongoing and TRLIA staff is working to resolve the land transfer issues with the state. TRLIA hopes to accomplish task in 2011.
Discussion
TRLIA’s proposed interim solution is to continue managing and monitoring the property per conditions of the state and federal permits until the land is transferred to the state, third party land manager is identified, and the endowment is ready to be used.

River Partners is currently completing the third year of maintenance and monitoring of the Bear River Restoration Area. The 404 Permit and incidental take authorization include the following maintenance and monitoring requirements:

**Years 1-3**  
irrigate and maintain plantings, vegetation and hydrology monitoring, weeding, reseeding/replanting if necessary, mowing grassland area, debris and trash removal and other maintenance, documentation and reporting

**Years 4-10**  
vegetation and hydrology monitoring, weeding, reseeding/replanting if necessary, mowing grassland area, debris and trash removal and other maintenance, documentation and reporting

**Year 10+**  
mowing grassland area, debris and trash removal and other maintenance

TRLIA is currently working with the State Departments of Fish and Game and Water Resources on real estate transfer and funding options that will address the future year and long term permit requirements. TRLIA does not anticipate having agreements in place with these agencies until late 2011; potentially later.

River Partners has provided the attached proposal in the amount of $58,000 to cover the fourth year requirement of the permit. The proposal covers the time period including March 2011 through February 2011.

River Partners will subcontract portions of the maintenance work, specifically the mowing operations, to local agricultural operators in the vicinity of the Bear Setback. River Partners will rely primarily on existing employees that reside in the Marysville and Yuba City area to perform other labor related maintenance activities. The monitoring and reporting work shall be performed by Biologists and other qualified staff employed by River Partners.

Fiscal Impact
Local funds will be used for this work. Local Funding Sources are those local funds that came from developer advance funding used to cash flow TRLIA’s levee improvement work prior to the EIP Projects and the Yuba Levee Financing Authority Joint Financing. Recently received reimbursements and future received reimbursements to be received from the State represent those Local Funding Sources coming back to TRLIA after having cash flowed current projects.

Attachment:
Contract Amendment 2
SECOND AMENDMENT
TO
AGREEMENT BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
AND RIVER PARTNERS

THIS SECOND AMENDATORY AGREEMENT is made and entered into this ___ day of ___ 2011, by and between the THREE RIVERS LEVEE IMPROVEMENT AUTHORITY, a Joint Powers Authority, ("TRLIA") and River Partners ("CONTRACTOR").

RECITALS:

WHEREAS, TRLIA and CONTRACTOR entered into an agreement to provide Professional Services dated September 12, 2006 ("AGREEMENT");

WHEREAS, Article C.24 of the AGREEMENT, states that modifications or amendments to the terms of the AGREEMENT shall be in writing and executed by both parties;

WHEREAS, TRLIA and CONTRACTOR desire to amend the AGREEMENT.

NOW, THEREFORE, TRLIA and CONTRACTOR agree as follows:

1. Amendment to Agreement. The Agreement is hereby amended as follows:

1.1 The scope of services (Attachment A to the Agreement for Professional Services between TRLIA and River Partners, dated September 12, 2006) is amended to expand the scope of work as described in a new scope of work dated February, 2011 (Exhibit A), to address the continuation of management and monitoring services on the Bear River setback property.

1.2 The payment, budget, and not-to-exceed amounts (Attachment B to the Agreement) are amended by the attached Exhibit B to include the additional amount of $58,000.00 for a total contract amount of $4,611,941.00.

1.3 The Termination Date (Article 2 of the Agreement) is extended to February 29, 2012.

All other terms and conditions contained in the Agreement shall remain in full force and effect.

This AMENDATORY AGREEMENT is hereby executed on this ____ day of ___ 2011.

THREE RIVERS LEVEE
IMPROVEMENT AUTHORITY

BY: ______________________
    Paul G. Brunner
    Executive Director

CONTRACTOR

BY: ______________________
    John Carlon, President, River Partners

APPROVED AS TO FORM:

__________________________
Andrea Clark, General Counsel, TRLIA
Exhibit A
Scope of Services-February 2011

River Partners shall furnish all labor, materials, equipment and services for monitoring and maintaining the 639 acres of riparian and upland habitats and mitigation features associated with the Bear River Setback Levee Project located south of Marysville, California. Monitoring and maintenance activities will occur for the period of March 2011 to February 2012. Individual tasks are listed below in summary fashion.

Task 1: Maintenance of Management Units
Maintenance activities are defined for the following management units within the Bear River setback area to ensure the proper hydraulic functioning of the setback area; maintain high-quality habitat values consistent with regulatory and resource agency agreements; and meet requirements for protecting mitigation features:

1) Riparian Restoration Areas
2) Mitigation Areas
3) Floodplain Swale and Adjacent Floodplain
4) Low Hydraulic Roughness Areas

All wages for covered work onsite will be paid under the Landscape Maintenance Laborer determination issued by the department of industrial relations.

Riparian restoration will be spot sprayed to reduce weeds. Aggressive, non-native invasive weed species will be removed each spring through focused chemical control.

The floodplain swale may develop dense stands of cottonwood and willow seedlings that may trap sediments that may eventually alter the drainage of the swale. Therefore, some routine annual maintenance of the swale may be necessary. Routine maintenance will be restricted to minor activities to remove debris and fish-passage barriers, such as beaver dams and sediment-trapping vegetation, from the swale. As in the riparian restoration area, mowing and spot spraying with herbicide to kill invasive weed species will be conducted.

Native perennial grasses planted over the entire low hydraulic roughness area are intended to form a dense layer over the soil surface and help to discourage the establishment of woody species. A broadleaf spot herbicide application and mowing during the spring and early summer will discourage small trees and shrub species and allow the native grasses to dominate. After a flood event, all trash and debris shall be removed. Natural debris shall be evaluated to determine if it creates a hazard or inhibits flood conveyance. This activity will only be performed after a ten (10) year flood event or greater and applies only to the low roughness area. If debris removal is needed it will be completed at a time and materials cost, upon written approval from a TRLIA representative.

Task 2: Monitoring of Corps 404 Mitigation Areas
River Partners will monitor the mitigation sites’ progress toward meeting the established success criteria for habitat function and value. The monitoring will include both quantitative surveys to check survival and percent cover, and
qualitative surveys for overall condition and success of mitigation efforts. The performance criteria that will be used to determine mitigation area success are shown in Table 1.

The monitoring activities are summarized below:

- Annual general maintenance inspections will be conducted that include the assessment/remedy of any weed, vandalism, or erosion problems and trash removal.
- A monitoring biologist will return to permanent (GPS) photo points to conduct annual qualitative (reconnaissance and photo documentation) inspections.
- A monitoring biologist will conduct annual quantitative inspections (census or permanent plot sampling) to evaluate progression towards meeting the annual performance criteria.
- Monitoring reports will be submitted to the Corps annually by October 1 of each year. 4 Copies will be supplied to TRLIA for distribution by their representative.
- After each flood event that inundates the swale, a biologist will perform a visual survey and photo monitor.
- A biologist will make up to 3-visits a year, when inundation events reach the toe of the levee or when determined by a TRLIA representative that a flood event requires a visual survey and photo monitor.
- If flooding occurs, a letter report to NMFS and DFG summarizing floodplain habitat conditions will be completed by August 1 of each year.

| Table 1. Performance Criteria to Measure Emergent Wetlands Mitigation Success, Corps 404 Mitigation Area, Bear River Setback Levee Project. |
|-------------------|-----------------|-----------------|
| **Year** | **Survival of Trees and Shrubs (%)** | **Total Cover (%) of Wetland Indicator Species** |
| 1     | 85              | 5               |
| 2     | 75              | 10              |
| 3     | 65              | 15              |
| 4     | 55              | 20              |
| 5     | 50              | 25              |
| 6     | 50              | 25              |
| 7     | 50              | 25              |
| 8     | 50              | 25              |
| 9     | 50              | 25              |
| 10    | 50              | 25              |

**Task 3:**

Monitoring of VELB Mitigation Area
A biologist will monitor elderberry transplants and associated native plants within the VELB mitigation area. The population of VELB, the general condition of the mitigation area, and the condition of the elderberry and associated native plantings in the conservation area will be monitored following the survey and monitoring procedures listed in the Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS 1999).

A minimum survival rate of at least 60 percent of the elderberry plants and 60 percent of the associated native plants must be maintained throughout the monitoring period. Within 1 year of discovery that survival has dropped below 60
percent, failed plantings will be replaced to bring survivorship above the success criteria.

Monitoring reports will be submitted annually by December 31 to US Fish and Wildlife Service and Department of Fish and Game.
### Exhibit B
#### Payment Schedule

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